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FM AMEMBASSY ASHGABAT

TO RUEHC/SECSTATE WASHDC PRIORITY 9170

INFO RUCNCIS/CIS COLLECTIVE PRIORITY

RUCNOSC/OSCE POST COLLECTIVE PRIORITY

RUEHLM/AMEMBASSY COLOMBO PRIORITY 0511

RUEHKA/AMEMBASSY DHAKA PRIORITY 0533

RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 2221

RUEHBUL/AMEMBASSY KABUL PRIORITY 0967

RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1018

RUEHKO/AMEMBASSY TOKYO PRIORITY 0342

RHMFIS/CDR USCENTCOM MACDILL AFB FL//CCJ2/HSE/CCJ5// PRIORITY

RUEAIIA/CIA WASHDC PRIORITY

RHEFDIA/DIA WASHINGTON DC//DHO-2/REA/NMJIC-J2// PRIORITY

RHEHNSC/NSC WASHDC PRIORITY

RUEKJCS/Joint STAFF WASHINGTON DC//J5/RUE// PRIORITY

RUEKJCS/SECDEF WASHINGTON DC PRIORITY

RUEHGV/USMISSION GENEVA PRIORITY 1296

RUCNDT/USMISSION USUN NEW YORK PRIORITY 0523

C O N F I D E N T I A L SECTION 01 OF 03 ASHGABAT 000827

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SUBJECT: TURKMENISTAN: CLEMENCY FOR 11 PRISONERS,
INCLUDING FORMER CHIEF MUFTI

REF: ASHGABAT 0711

Classified By: Charge d'Affaires Richard Hoagland for reasons 1.4(B) and (D).

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¶1. (C) At a one-on-one August 9 meeting (other business reported septel), Deputy Chairman of the Cabinet of Ministers/Foreign Minister Rashit Meredov told Charge in strict confidence President Berdimuhamedov had just hours earlier signed an order of clemency for 11 prisoners who had been convicted of allegedly participating in the 2002 attack on then-President Niyazov's motorcade. (See list in paras eight and nine below.) Meredov emphasized that former Chief Mufti of Turkmenistan Nasrullah Ibn Ibadullah was among those granted clemency.

¶2. (SBU) When Charge asked when this information would be made public, Meredov replied he did not know when, or even if, it would become public knowledge, but agreed to provide the list of names as soon as he had a copy of the presidential order. However, state television news announced the clemency at 10:00 pm, and the government's leading newspaper published the presidential order the morning of August 10.

¶3. (C) After the meeting, Americas Department Director

Serdar Bashimov told the Charge he was astounded by the news.

He hadn't been informed in advance, and hadn't expected it nearly this soon. He said, "This wouldn't have happened if you hadn't insisted the U.S. Commission on International Religious Freedom (USCIRF) visit this month. You forced their hand."

¶4. (U) In addition to publication of the presidential order, Prosecutor General Muhammet Ogshukov announced the State Commission for Reviewing Complaints on the Work of Law Enforcement Bodies had met five times and had examined every petition. Based on current legislation and taking into account directions from and demands by the president, the commission had prepared for the president's approval pardons for 11 people currently serving sentences.

¶5. (SBU) Local observers agree this first tranche of individuals is linked directly to the upcoming visits of USCIRF, Helsinki Commission staffers and the HIRC staffdel. That said, they strongly believe that the president had this intention all along. When the State Commission for Reviewing Complaints on Work of Law Enforcement Bodies was established on February 19, it was unclear whether this would become the body responsible for gradually rehabilitating those arrested for the 2002 attack on Niyazov's motorcade, or whether it would be directed toward fighting corruption in the law enforcement bodies. This is the first clear indication that the body will have a rehabilitation portfolio.

¶6. (C) The State Commission's former Chairman, Yagshygeldi Esenov, who was removed from this position during the July 13 Cabinet of Ministers meeting (reftel), had been Chairman of the Supreme Court since December 2002 and had overseen the trials) and any appeals) of all individuals arrested in

ASHGABAT 00000827 002 OF 003

connection with the 2002 attack. We speculate Berdimuhamedov may have removed him for not agreeing to the president's plan for clemency.

¶7. (SBU) Local observers pointed out that there had been a general expectation that the first tranche of individuals pardoned would be officials, such as former energy expert Gurbanmyradov, convicted in recent years of economic crimes. This expectation arose after many of those former officials had been moved from Ovadan Depe prison to Bayramali prison in April and May. (NOTE: Ovadan Depe is where many "political" prisoners had been sequestered. Bayramali has much better conditions. END NOTE) These observers remarked that the president is beginning with those convicted of complicity in the motorcade attack will resonate very well with the public.

LIST OF THOSE GRANTED CLEMENCY

¶8. (U) We have at least partial identification of six of the 11 individuals who are being pardoned:

-- Former Chief Mufti of Turkmenistan Nasrullah Ibn Ibadullah, born in 1947, tried on March 1, 2004. He was sentenced to 22 years' imprisonment on charges of treason in a secret trial, with the first five years to be served in a maximum-security prison. He was accused of involvement in the attack on Niyazov's motorcade, and was removed from his post as chief mufti and deputy chairman of the Council for Religious Affairs in January 2003.

-- Serdar Atayev, born in 1972 and tried on November 12, 2003, was a cellmate of Gulgeldi Annaniyazov, who was tried in 2003 for participating in a 1995 protest demonstration in Ashgabat. We do not have information on the nature of the charges against Atayev or the length of his sentence.

-- Akmuhammed Baihanov, born in 1957 and tried on September 10, 2003, for not informing the Government of Turkmenistan about meeting with Avdy Kuliyev, a former leader of the United Turkmen opposition in exile who died in 2007.

Baihanov received a five-year sentence based on Article 210, Section 1, added to the Criminal Code by Niyazov.

-- Olga Prokofyeva, born in 1979 and tried on February 24, 2003. The length of her sentence is unknown. She was a friend of former Minister of Justice Yklym Yklymov, regarded as a ringleader in the motorcade attack, who himself received life imprisonment. Prokofyeva's brother, Alexei Prokofyev, was reportedly arrested on November 26, 2002, and died) allegedly from torture) in December 2002, before his trial. Alexei Prokofyev reportedly had allowed Yklym Yklymov to hide at his home.

-- Yusup Haitov (Khaitov), born in 1933 and tried on January 23, 2003, for involvement in the motorcade attack. A former KGB officer, he received a five-year sentence.

-- Esenaman Yklymov, born in 1969 and tried on January 13, 2003. He was a businessman and the son of Orazmuhammed Yklymov, accused of being one of the ringleaders of the motorcade attempt. He was also married to Jennet Berdiyeva, the sister of Turkmenistan's ex-ambassador to the OSCE, who was also charged with complicity in the attack. The length of his sentence is unknown.

¶9. (U) We are still seeking to identify an additional five individuals, but the timing of their arrests makes it likely that they were among those picked up because they may have been associated in some way) as family members or employees) of individuals implicated in the motorcade attack:

-- Amangeldi Annamyradov, born in 1955 and convicted on November 28, 2003 by the Supreme Court.

ASHGABAT 00000827 003 OF 003

-- Myalikguly Annayev, born in 1957 and convicted on November 12, 2003 by the Supreme Court.

-- Serdar Meredov, born in 1965 and convicted on February 27, 2003 by the Supreme Court.

-- Shamuhammet Saparov, born in 1962 and convicted on March 3, 2003 by the Ashgabat City Court.

-- Baymuhammet Taganov, born in 1973 and convicted on March 3, 2003 by the Ashgabat City Court.

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